

EXECUTIVE OFFICERS SUMMARY REPORT
9:00 a.m., November 5, 2003
Regional Water Board Hearing Room
5550 Skylane Boulevard, Suite A
Santa Rosa, California

ITEM: 5

SUBJECT: Issuance of Waste Discharge Requirements Order No. R1-2003-0118, Waste Discharge Requirements for the Pacific Lumber Company for Timber Harvesting Operations in the Elk River Watershed

DISCUSSION

These proposed tentative Waste Discharge Requirements are nearly identical to the previous Elk River Waste Discharge Requirements Order No. R1-2002-0105. Staff will likely make major revisions to future WDRs to improve their clarity and effectiveness.

The Pacific Lumber Company, the Scotia Pacific Company LLC, and Salmon Creek Corporation, all subsidiaries of MAXXAM, Inc., together own 21,000 acres (76%) of the 27,500 acre Elk River watershed. The Discharger conducts timber harvesting, forestry management, road construction and maintenance, and related activities on the lands within the Elk River watershed within its ownership. Elk River, which is tributary to Humboldt Bay, is located east of Eureka. Elk River is listed as sediment impaired under Section 303(d) of the federal Clean Water Act.

Evidence in our files supports the conclusion that timber operations in this watershed have resulted in significant discharges of earthen materials that have adversely affected downstream beneficial uses including drinking water supplies and fisheries, contribute to nuisance flooding conditions, and that proposed and continuing operations will continue to do so. To address impacts to drinking water supplies, the North Coast Regional Water Quality Control Board (Regional Water Board) issued Cleanup and Abatement Order (CAO) Nos. 97-115 and 98-100 to the Discharger. These CAOs required the Discharger to clean up and abate the impacts of its discharge and to develop alternative permanent domestic and agricultural water supplies for affected residents to replace their damaged water supplies, which historically utilized the Elk River. The Discharger is providing affected residents with water on an interim basis while developing and ultimately implementing long-term permanent water supplies for these residents. In a few cases permanent water supply systems have recently been constructed.

On November 7, 2002, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted Order No. R1-2002-0105, Waste Discharge Requirements (WDRs) for the discharger for timber operations in the Elk River watershed. These WDRs covered wintertime operations for eight specific timber harvest plans (THPs). Section L.1. stated: "The Discharger shall submit, by July 1 of each year, a revised ROWD which identifies all timber harvesting and associated activities proposed to be conducted in the Elk River watershed during the upcoming winter period."

On June 30, 2003, the Discharger submitted a Report of Waste Discharge (ROWD) for both primary and secondary THPs. Primary THPs are those that are slated for logging during the upcoming winter period, and secondary THPs are those that may or may not be logged. There are seven primary THPs, four approved and three pending approval. There are eleven secondary THPs, seven approved and four pending approval. The approved THPs were anticipated to have felling operations conducted during the winter of 2003-04, but field inspections by Regional Water Board staff indicate that some felling and yarding operations have been completed prior to the winter period. During the field inspections it was also noted that some sediment discharge mitigations have not yet been implemented. All of the 18 THPs drain to Elk Creek or tributaries to Elk Creek. The pending THPs are in the THP process and approval date(s) are currently unknown, although the Discharger anticipates harvesting this winter period. The discharger is subject to an annual harvest limitation of 600 equivalent clearcut acres in the Elk River watershed imposed by the California Department of Forestry.

The pending THPs that have not been approved by CDF prior to November 5, 2003, and therefore have not have an adequate California Environmental Quality Act (CEQA) document. Once these other THPs are approved and have had an adequate CEQA document, the WDRs would be amended to include them at the next available Regional Water Board meeting.

Minor changes can be accommodated as described in Section III, Discharge Provisions, Item K. Unscheduled Revisions of Requirements. The concept is any change would need to go through the CDF review process typically as an amendment to a THP. The amendment would need to be approved by CDF. The approved amendment would then be submitted as a revision to the report of waste discharge. If these conditions are met and the revision is not a material or proposed change in the character, location, or volume of the discharge, as determined by the Executive Officer, then Provision K would authorize the Executive Officer to incorporate the revisions into the WDRs.

PRELIMINARY STAFF
RECOMMENDATION:

Adoption of Waste Discharge Requirements as proposed.